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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/089,234	08/14/2002	Frank Fruhauf	225/51026	4561

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EXAMINER

NORMAN, MARC E

ART UNIT	PAPER NUMBER
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3744

DATE MAILED: 07/18/2003

12

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/089,234

Applicant(s)

FRUHAUF ET AL.

Examiner

Marc E. Norman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 July 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 12-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 12 and 16-19 is/are rejected.
- 7) ☒ Claim(s) 13-15 and 20-22 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

DETAILED ACTION

*Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 12 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Heinle et al.

As per claim 12, Heinle et al. discloses a vehicle air conditioning device comprising control element 1; a fan 12 including outlet nozzles (21b, 21c, etc.) and actuators (column 4, line 12) wherein the state of airflow is determined by air speed, location, and distribution to the nozzles (column 4, lines 29-33), an outlet direction of the nozzles (column 4, lines 55-60), and wherein a thermal state is provided by distribution of temperature and radiation effects (based on radiation and temperature sensors shown in Figure 1); and wherein at least one control element prescribes a determined flow and thermal state (temperature) for an occupant of the vehicle (column 4, lines 29-33).

As per claim 18, Heinle et al. further discloses a control panel with a control element 1 and a selection device 8 for storing and selecting different body regions of the occupant (column 3, lines 19-32).

*Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heinle et al. in view of Danieau.

As per claim 16, Heinle et al. does not teach separate control panels for respective zones of the multi-zone system. Danieau teaches a climate control system with separate control panels for respective zones of the multi-zone system (see for example paragraph 40). It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply this multi-zone control of Danieau to the system of Heinle et al. for the simple purpose of allowing each passenger to control the climate in their respective zone.

As per claim 17, Heinle et al. a plurality of control panels for setting different body regions of the occupant. Danieau teaches each seat position having controls for controlling air flow and temperature to different points at each seat position (Abstract, lines 1-5). Again, it would have been obvious to one of ordinary skill in the art at the time the invention was made to

apply this multi-zone control of Danieau to the system of Heinle et al. for the simple purpose of allowing each passenger to control the climate at specific locations in their respective zone.

Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Heinle et al. in view of Ratgeber.

As per claim 19, Heinle et al. does not specifically teach a display means for displaying the control characteristics of the device. However, displays are common features of air conditioning control systems. Ratgeber et al. for example teaches a control display (Figure 1) for displaying the control characteristics of a vehicle air conditioning system including components of the A/C system (settings 12), air ducts (such as defrosting duct 16), the interior (zones I-IV), and occupants 14. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine a display such as that of Ratgeber et al. to the system of Heinle et al. for the simple purpose of allowing the user to see the status of the air conditioning system.

#### *Allowable Subject Matter*

Claims 13-15 and 20-22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marc E. Norman whose telephone number is 703-305-2711. The examiner can normally be reached on Mon.-Fri., 8:00-5:30, with first Fridays off.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Denise Esquivel can be reached on 703-308-2597. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9302 for regular communications and 703-872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-5648.

MN  
July 11, 2003

A handwritten signature in black ink, appearing to read 'Marc Norman', with a stylized, flowing script.

**MARC NORMAN  
PATENT EXAMINER**